

FILED

JAN 29 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

1:24 CV 00178

United States ex rel. Anthony G. Peart,

Plaintiff,

-against-

JONATHAN BARTELL, LAW FIRM; KARI L. BURNS;
JESSICA LUCKO; CHRISTOPHER JOSEPH KLASA;
and CLEVELAND METROPOLITAN BAR ASSOCIATION,
these Defendants are sued in their official
and individual capacities.

Defendant(s).

CIVIL CASE NO. _____

JUDGE:

CIVIL COMPLAINT UNDER 42 U.S.C.
§§ 1983 & 1981

JURY TRIAL DEMANDED

JUDGE GAUGHAN

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? ☐Yes ☒No
- B. If your answer to A is yes, describe the lawsuit in the space below. n/a

II. Place of Present Confinement, North Central Correctional Complex, 670 Marion-Williamsport Road, P.O. Box 1812, Marion, Ohio 43302.

- A. Is there a prisoner grievance procedure in this institution? ☒Yes ☐No
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? ☐Yes ☒No
- C. If your answer is Yes. n/a
- D. If your answer is No, explain why not: Because my complaint has nothing to do with the prison or my conditions, its an outside civil complaint against my attorney.
- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? ☒Yes ☐No
- F. If your answer is Yes,

1. What steps did you take? I asked for help.
2. What was the result? They told me it was a personal legal matter, and per ORC Policy "Staff are not permitted to assist inmates with any form of litigation, and informed me that I would have to contact an attorney or wait until my release.

III. Parties

A. Name of the Plaintiff: Anthony G. Peart #A752-220

Address: North Central Correctional Complex (N.C.C.C.), 670 Marion-Williamsport Road, P.O. Box 1812, Marion, Ohio 43302

B. Defendant: Jonathan Bartell, Esq., is employed as an attorney at law of Bartell's Law Firm, at 6505 Rockside Road, Independence, Ohio 44131.

C. Additional Defendants: Kari L. Burns "Assistant Bar Counsel"; Jessica Lucko "Legal Coordinator"; and Christopher Joseph Klasa "Bar Counsel" [All these defendants work for the CLEVELAND METROPOLITAN BAR ASSOCIATION], at 1375 East 9th Street, Second Floor, Cleveland, Ohio 44114.

IV. Statement of Claim(s):

Claim No. 1: Plaintiff's first claim is against the Defendant - Jonathan Bartell, and his law firm who were paid \$10,000.00 to represent Plaintiff in a criminal case State v. Peart, Case No. CR-17617552, Cuyahoga County Court of Common Pleas, this Defendant never consulted with Plaintiff, never appeared at any court proceedings, and abandon Plaintiff, which resulted in the Defendant being fired and Plaintiff demandding a full refund of his \$10,000.00. As a direct result of this Defendant acting under the color of law, Plaintiff was deprived of his civil and constitutional rights causing him to suffer mental anguish, emotoinal stress, and monetary lost as a victim of Unjust Enrichment. This Defendant has a continuing practice and pattern of these acts of unjust enrichment, where in he receives

payments from clients for his services, but never does the work nor refunds his illegally obtained monetary gains; and,

Claim No. 2: Plaintiff's second claim is against the Defendant - Kari L. Burns, and the "CLEVELAND METROPOLITAN BAR ASSOCIATION" who Plaintiff made aware of Defendant's Bartell unprofessional conduct in the theft of Plaintiff's \$10,000.00, and the fact that Defendant Bartell refunded \$1,000.00 of the \$10,000.00, leaving the remaining balance of \$9,000.00 due, this Defendant instead of addressing Plaintiff's complaint concerning the unprofessional conduct of Defendant Bartell, this Defendant willingly became an aider and abetter under the color of law to the deprivation of Plaintiff's civil and constitutional rights, and continues to do so to-date; and,

Claim No. 3: Plaintiff's third claim is against the Defendant - Jessica Lucko, and the "CLEVELAND METROPOLITAN BAR ASSOCIATION" who Plaintiff made aware of Defendant's Bartell unprofessional conduct in the theft of Plaintiff's \$10,000.00, and the fact that Defendant Bartell refunded \$1,000.00 of the \$10,000.00, leaving the remaining balance of \$9,000.00 due, this Defendant instead of addressing Plaintiff's complaint concerning the unprofessional conduct of Defendant Bartell, this Defendant willingly became an aider and abetter under the color of law to the deprivation of Plaintiff's civil and constitutional rights, and continues to do so to-date; and,

Claim No. 4: Plaintiff's fourth claim is against the Defendant - Christopher Joseph Klasa, and the "CLEVELAND METROPOLITAN BAR ASSOCIATION" who Plaintiff made aware of Defendant's Bartell unprofessional conduct in the theft of Plaintiff's \$10,000.00, and the fact that Bartell refunded \$1,000.00 of the \$10,000.00, leaving the remaining balance of \$9,000.00 due, this Defendant instead of addressing Plaintiff's complaint concerning the unprofessional conduct of Defendant Bartell, this Defendant willingly became an aider and abetter under the color of law to the deprivation of Plaintiff's civil and constitu-

tional rights, and continues to do so to-date; and,

Claim No. 5: Plaintiff's fifth claim is against the Defendant - Cleveland Metropolitan Bar Association who Plaintiff made aware of Defendant's Bartell unprofessional conduct in the theft of Plaintiff's \$10,000.00, and the fact that Defendant Bartell refunded \$1,000.00 of the \$10,000.00, leaving the remaining balance of \$9,000.00 due, this Defendant instead of addressing Plaintiff's complaint concerning the unprofessional conduct of Defendant Bartell, this Defendant willingly became an aider and abetter under the color of law to the deprivation of Plaintiff's civil and constitutional rights, and continues to do so to-date.

V. Relief - Punitive and Compensatory Damages

	<u>Damages</u>
<u>Defendant - Jonathan Bartell</u> is sued in his individual and official capacities:	
Individual Capacity	\$125,000.00
Official Capacity	\$125,000.00
	<u>\$250,000.00</u>
<u>Defendant - Kari L. Burns</u> is sued in her individual and official capacities:	
Individual Capacity	\$125,000.00
Official Capacity	\$125,000.00
	<u>\$250,000.00</u>
<u>Defendant - Jessica Lucko</u> is sued in her individual and official capacities:	
Individual Capacity	\$125,000.00
Official Capacity	\$125,000.00
	<u>\$250,000.00</u>
<u>Defendant - Christopher Joseph Klasa</u> is sued in his individual and official capacities:	
Individual Capacity	\$125,000.00
Official Capacity	\$125,000.00
	<u>\$250,000.00</u>
<u>Defendant - CLEVELAND METROPOLITAN BAR ASSOCIATION</u> is sued in it's official capacity:	
Official Capacity	<u>\$500,000.00</u>
TOTAL DAMAGES	\$1,500,000.0

Signed this 25th day of January, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Jan. 25, 2024

(Date)

Anthony G Peart

(Signature of Plaintiff)